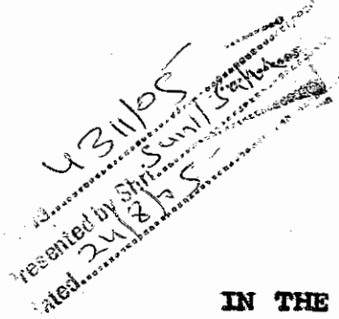
(3)

SINGLE BENCH




IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

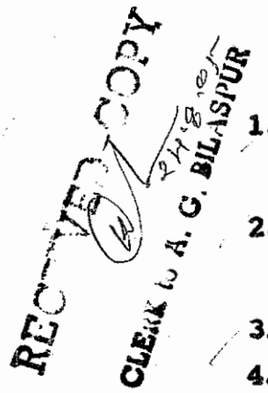
WRIT PETITION NO. 4194 OF 2005

BETWEEN

1. Manglu S/o Raghu Kolta, aged about 50 years .
2. Arkhit S/o Raghu Kolta, aged about 45 years.

Both resident of Village Murhagaon, Tahsil Gharghoda District Raigarh (CG).

PETITIONERS




AND

1. State of Chhattisgarh, through Collector Raigarh (CG).
2. Sub Divisional Officer (R), Gharghoda District Raigarh (CG).
3. Jitiya Bai W/o DekhuRam Kanwar.
4. Karam Singh S/o Daniram Kanwar
(Sl.No.3 and 4 both resident of Village Keshla Tahsil Gharghoda District Raigarh(CG).
5. Bend Ram S/o Mohan Ram Kalar, resident of Village Murhagaon, Tahsil Gharghoda District Raigarh (CG).
6. Ganesh Ram S/o Subran Kanwar, resident of Village Shekharpur/Burhadand, Tahsil Pathalgaon District Raigarh (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(30)

XI-HC-78

# उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## मामला क्रमांक ..... WP 4194/05 ..... सन् 200

### आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 07.9.2005<br>Shri Awadh Tripathi, counsel for the petitioners.<br>Shri Sandeep Dubey, Govt. Adv. for respondent No.1 & 2.<br>Heard counsel for the petitioners.<br>The petitioners have preferred this petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of order dated 11.2.1999 passed by the Collector, Raigarh in Revenue Case No.25/A-23/95-96 whereby learned Collector had dismissed the appeal preferred by the petitioners herein against the order dated 12.8.1996 passed by the Sub Divisional Officer, Gharghoda in Revenue Case No.142/A-23/87-88 in which the SDO exercising the powers under Section 170-B of the Land Revenue Code, 1959 reached to the conclusion that the disputed land was transferred in violation of Section 165(6) of the Land Revenue Code, as such respondent No.3 & 4 herein were declared entitled for repossession of the land.<br>Counsel for the petitioners argued that it is true that appeal of the petitioners' herein was dismissed on 11.2.1999 and copy of judgment was also delivered on the counsel for the petitioners herein on 10.3.1999, but being illeterate persons the petitioners did not approach any authority and now when the respondents tried to dispossess the petitioners they have filed the present petition.<br>Having heard learned counsel for the petitioners, I have persued the record. | |

XI-HC-78

(3)

# उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## मामला क्रमांक ..... सन् 200

### आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

In my opinion, this petition is not maintainable on two grounds; firstly on the ground of latches, as this petition questioning the legality of appellate order dated 11.2.1999 has been filed after around about 6½ years and no sufficient reason has been given for delay; secondly, even the order of the Collector dated 11.2.1999 is subject to the second appeal as per provisions of Section 44(2) (1) of the Land Revenue Code.

In view of the above, the petition is dismissed at the admission stage itself.

Consequently, M.(W.)P. No.3434/05 and I.A. Nos.7667/05 &7668/05 also stand disposed of.

Sd/-
L.C. Bhadoo
Judge